

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE 650 FIFTH AVENUE AND
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RELATED PROPERTIES
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08 Civ. 10934 (KBF)
and all member and related
cases

CORRECTED ORDER

KATHERINE B. FORREST, District Judge:

The Court has received the Rubin plaintiffs' letter dated November 20, 2013 requesting clarity as to the upcoming pleadings in this matter. (ECF No. 1016.) For the sake of clarity, all pending motions and upcoming deadlines in this matter are as follows:

1. On April 26, 2013, the Hegna plaintiffs filed a motion for partial summary judgment. (ECF No. 427.) On April 30, 2013, the Court ordered that motion to be held in abeyance until after trial. (ECF No. 435.) That motion is now DENIED AS NOT YET RIPE without prejudice and with leave for the Hegna plaintiffs to replead their claims on a briefing schedule to be determined, as discussed below.
2. On September 17, 2013, the judgment creditor plaintiffs filed a joint motion for summary judgment based on the Foreign Sovereign Immunities Act ("FSIA") and the Terrorism Risk Insurance Act of 2002 ("TRIA"). (ECF No. 869.) On September 19, 2013, Alavi Foundation and

650 Fifth Avenue Company filed an opposition to that motion. (ECF No. 879.) On October 4, 2013, Assa Corp. and Assa Limited filed an opposition to that motion. (ECF No. 938.) On October 7, 2013, the Hegna judgment lienors filed an additional memorandum supporting that motion for summary judgment. (ECF No. 955.) On October 11, 2013, plaintiffs filed a reply. (ECF No. 969.) That motion is now fully briefed.

3. On October 7, 2013, the judgment creditor plaintiffs filed a joint supplemental motion for summary judgment with respect to the seven real properties remaining to be adjudicated. (ECF No. 950.) On October 16, 2013, Alavi Foundation filed an opposition to that motion. (ECF No. 977.) On October 23, 2013, plaintiffs filed a reply. (ECF No. 996.) That motion is now fully briefed.
4. On October 7, 2013, the Government filed a motion for summary judgment against the Alavi Foundation's interest in the seven defendant in rem properties. (ECF No. 956.) On October 16, 2013, Alavi filed an opposition to that motion. (ECF No. 979.) On October 23, 2013, the Government filed a reply. (ECF No. 998.) That motion is now fully briefed.
5. On October 21, 2013, the Hegna claimants filed a motion for summary judgment based on the innocent owner defense. (ECF No. 989.) Oppositions to that motion shall be filed by **December 11, 2013**. (See

ECF Nos. 1003, 1018.) Replies shall be filed by **December 18, 2013**. (See ECF Nos. 1003, 1018.)

6. On October 21, 2013, the Islamic Education Center ("IEC") filed two submissions related to the innocent owner defense. (ECF Nos. 991, 992.) On October 29, 2013, the Court held those submissions in abeyance, because the Government has not moved to forfeit the IEC's purported interest in those two defendant properties. (ECF No. 1006.)
7. Any further motions for summary judgment based on the innocent owner defense, including those filed by the Rubin judgment creditors, shall be filed by **December 20, 2013**. (See ECF No. 1018.)


The Court has not yet set a briefing schedule on the issues of (1) whether TRIA trumps forfeiture and (2) which judgment creditors' claims have priority. The Court will set a schedule at the appropriate time if resolution of those issues becomes necessary. The Hegnas may refile their motion for summary judgment (ECF No. 427) at that time if appropriate.

The Clerk of Court is directed to terminate the motion at ECF No. 427.

The Clerk of Court is further directed to remove the November 25, 2013
Order at ECF No. 1033 from the docket.

SO ORDERED.

Dated: New York, New York
December 2, 2013



KATHERINE B. FORREST
United States District Judge